

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

U.S. COURT  
2003 AUG 18 AM 8:57

REC'D  
FILED  
CLERK, IDAHO

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

FLORENTION VILLEGAS- )

DELGADILLO, R.A.B.D., VICTOR )

MANUEL CASTILLO-DUARTE, )

JOSE REFUGIO SANCHEZ- )

MIRANDA, )

Defendants. )

Case No. CR-03-109-S-BLW

**ORDER**

The Court has before it Defendant Victor Manuel Castillo-Duarte's Motion to Continue Trial (Docket No. 31). Counsel represents to the Court that while he has been diligently preparing, he was only appointed counsel on July 24, 2003, and cannot be prepared for trial by August 25, 2003, a date that is two (2) weeks away. Counsel further indicates that the discovery contains numerous video and audiotapes, and he requires a significant amount of time to complete his review of the discovery and to prepare adequately for trial.

Based on the foregoing, the Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the ends of justice would be served by granting this

continuance and that the ends of justice outweigh the best interest of the public and the Defendant in a speedy trial. The Court further finds, pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv), that failure to grant the Defendant a reasonable continuance would deny counsel for the Defendant the reasonable time necessary for effective preparation for trial. The Court therefore finds that a continuance is necessary, that a continuance until September 22, 2003, is reasonable and that the additional time caused by the continuance is excludable pursuant to 18 U.S.C. § 3161. The Court further finds that this reasonable period of delay results in excludable time for all defendants in this matter pursuant to 18 U.S.C. § 3161(h)(7).

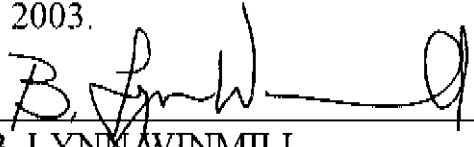
NOW THEREFORE, IT IS HEREBY ORDERED that Defendant Victor Manuel Castillo-Duarte's Motion to Continue Trial (Docket No. 31) is hereby GRANTED. Trial is rescheduled **September 22, 2003, at 1:30 p.m.**, in the Federal Courthouse in Boise, Idaho.

IT IS FURTHER ORDERED, that the period of time between the prior trial date and the new trial be deemed EXCLUDABLE TIME under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

IT IS FURTHER ORDERED that the period of time between the prior trial date and the new trial be deemed EXCLUDABLE TIME under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), as to all defendants in this matter.

IT IS FURTHER ORDERED, that the pretrial conference shall be held by telephone on September 10, 2003, at 8:30 a.m. The Government shall initiate the call with all parties on the line.

DATED this 13<sup>th</sup> day of August, 2003.

  
\_\_\_\_\_  
B. LYNN WINMILL  
Chief Judge, United States District Court

United States District Court  
for the  
District of Idaho  
August 18, 2003

\* \* CLERK'S CERTIFICATE OF MAILING \* \*

Re: 1:03-cr-00109

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

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U.S. Marshal  
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Probation  
HAND DELIVERED

✓ Chief Judge B. Lynn Winmill  
\_\_\_\_ Judge Edward J. Lodge  
\_\_\_\_ Chief Magistrate Judge Larry M. Boyle  
\_\_\_\_ Magistrate Judge Mikel H. Williams

Visiting Judges:

\_\_\_\_ Judge David O. Carter  
\_\_\_\_ Judge John C. Coughenour  
\_\_\_\_ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 8-18-03

BY: WM  
(Deputy Clerk)